

**FILED**

April 19, 2023

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**BY: DT  
DEPUTY**UNITED STATES OF AMERICA,****Plaintiff,****v.****JASON LEE WAGNER,****Defendant.**§ **CAUSE NO. EP-22-CR-01754-DB**

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**SUPERSEDING  
INDICTMENT****CT 1: 18 U.S.C. § 371-Conspiracy;****CT 2: 18 U.S.C. § 545-Smuggling into the U.S.;****CT 3: 18 U.S.C. § 2-Aiding and Abetting**

The GRAND JURY charges that at all times material to this Indictment:

**COUNT 1****Conspiracy****(18 U.S.C. § 371)****The Defendant and Co-Conspirators**

1. At all times relevant to this Indictment, **JASON LEE WAGNER** (“WAGNER” or “Defendant”) was a resident of Franklin, Tennessee, and in the business of buying and selling reptiles, including protected species of reptiles.

2. CC-1, CC-2, CC-3, and CC-4 (referred to collectively as “the suppliers”) were co-conspirators not named as defendants herein, and were Mexican nationals residing in Mexico. They were in the business of selling and, occasionally, buying wildlife, including protected and endangered species of wildlife, to and from purchasers in the United States and elsewhere. The suppliers used social media to advertise live animals for sale, negotiate a price for the animals, and arrange with co-conspirators, for the transport of the purchased animals to purchasers.

3. MM-1, a co-conspirator not named as a defendant herein, was a United States citizen residing in El Paso, Texas, who was in the business of working with WAGNER and the suppliers to smuggle wildlife, including protected and endangered species of wildlife, from

Mexico to the United States. It was the role of MM-1 in this conspiracy to transport the purchased animals from Juarez, Mexico, to El Paso, Texas, where MM-1 then arranged for delivery of the animals to purchasers.

4. MM-2, a co-conspirator not named as a defendant herein, was a Mexican national residing in Juarez, Mexico, who was in the business of working with the suppliers as a middleman to smuggle protected and endangered wildlife from Mexico to the United States. It was the role of MM-2 in this conspiracy to retrieve the wildlife delivered to Juarez, Mexico, and deliver it to another co-conspirator at a pre-determined location on the Mexico-side of the U.S. - Mexico border. When the suppliers purchased, or bartered, animals with individuals in the United States, including WAGNER, it was the role of MM-2 to retrieve animals from a pre-determined location in El Paso, Texas, on behalf of the suppliers and other co-conspirators, including WAGNER, and to transport those animals into Mexico where MM-2 then arranged for the delivery of the animals to the suppliers in Mexico.

5. All imported wildlife must be declared to the U.S. Fish and Wildlife Service (“USFWS”) in the United States. A true and complete declaration Form 3-177, *Declaration for Importation or Exportation of Fish or Wildlife*, must be filed at or before the time of importation. 16 U.S.C. § 1538(e); 50 C.F.R. § 14.61. Federal regulations also require that the USFWS clear all wildlife imported into the United States, and that the importer or his agent make available the wildlife being imported to the officer, as well as all required permits, licenses, or other documents. 50 C.F.R. § 14.52. The wildlife may only be cleared at certain ports authorized in the regulations, unless specifically authorized elsewhere. 50 C.F.R. § 14.11.

6. The Convention on International Trade in Endangered Species of Wild Flora and Fauna (“CITES”) was an international agreement among approximately 183 governments, including the United States and Mexico, to protect fish, wildlife, and plants that are, or may

become, threatened with extinction. CITES establishes import and export restrictions to protect these species from overexploitation through international trade.

7. Under CITES, species are protected according to a classification system known as “appendices.” International trade in species listed in these appendices is monitored and regulated by permits and quotas. The permit restrictions apply to live and dead specimens, as well as the skins, parts, and products made in whole or in part from a listed species.

8. Wildlife and plant species listed in Appendix I of CITES are threatened with extinction. Those listed in Appendix II of CITES include species that are not presently threatened with extinction but may become so if their trade is not regulated. Appendix II species may be allowed in trade; however, they are strictly regulated and monitored. To import an Appendix II species into the United States, the exporter must obtain a valid “foreign export permit,” issued by the specimen's country of origin, prior to importation.

9. *Abronia* is a genus of lizards found in Mexico and throughout Central America and northeastern South America. *Abronia* are small arboreal lizards which inhabit cloud forests at high elevations. The entire *Abronia* genus is listed in CITES Appendices I or II

### **The Conspiracy**

10. Beginning on an unknown date, but at least as early as March 2015, and continuing through at least December 11, 2019, in the Western District of Texas and elsewhere,

JASON LEE WAGNER,

defendant herein, knowingly combined, conspired, confederated, and agreed with others known and unknown, including CC-1, CC-2, CC-3, CC-4, MM-1, and MM-2 to commit certain offenses against the United States, that is:

- a. to knowingly import and bring into the United States, merchandise, namely wildlife, including CITES-protected wildlife, contrary to laws and regulations of the United States, and receive, conceal, buy, sell, and in any manner facilitate the transportation, concealment, and sale of such

merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, in violation of Title 18, United States Code, Section 545;

- b. to knowingly violate the Lacey Act's trafficking provisions, 16 U.S.C. §§ 3372(a), 3373(d)(1);
- c. to defraud the United States or one or more of its agencies or departments of and concerning its lawful governmental functions and rights, that is, impede, impair, obstruct, and defeat, by deceitful and dishonest means, the lawful and legitimate functions of the USFWS and United States Customs and Border Protection in investigating and enforcing federal laws and regulations related to wildlife trafficking, international trade, and border management, in violation of Title 18, United States Code, Section 371.

**Manner and Means of the Conspiracy**

The manner and means by which WAGNER and his co-conspirators sought to accomplish the objects and purposes of the conspiracy included, among others, the following:

11. In furtherance of the conspiracy and to effect the illegal objects thereof, WAGNER and others known and unknown, including the suppliers and middlemen, used social media to purchase wildlife that the suppliers offered for sale, and to negotiate the terms of the sale, including price, packaging, shipment, and delivery of the wildlife.

12. In furtherance of the conspiracy and to effect the illegal objects thereof, after the suppliers and purchasers, including WAGNER, agreed to a sale, the suppliers would arrange for MM-2 to retrieve the wildlife from the Juarez airport and deliver it, along with shipping labels, to MM-1. MM-1 would then drive the wildlife from Juarez to his residence in El Paso, Texas.

13. In furtherance of the conspiracy and to effect the illegal objects thereof, purchasers, including Wagner, paid MM-1 a "crossing fee" for each border crossing, the amount of which depended on the number of animals transported, the size of the package(s), and, in some cases, the risk of being detected by the authorities.

14. In furtherance of the conspiracy and to effect the illegal objects thereof, at his residence, MM-1 removed the animals from their packaging. MM-1 would photograph any dead

animal(s) and send the photo(s) to the supplier. MM-1 then re-packaged the live animals and shipped them to the purchaser, including WAGNER, via U.S. Postal Service or private courier service.

15. In furtherance of the conspiracy and to effect the illegal objects thereof, WAGNER electronically transferred money, primarily via PayPal, to MM-1 in Texas to avoid “leaving a digital history of transactions” to Mexico. WAGNER instructed MM-1 to send those funds in directed amounts via electronic funds transfer or wire to the reptile suppliers in Mexico for wildlife WAGNER purchased.

16. In furtherance of the conspiracy and to effect the illegal objects thereof, WAGNER occasionally traded, or bartered, live animals with the suppliers in Mexico through MM-1 and MM-2.

17. Beginning on a date not later than March 15, 2014, and continuing through at least December 11, 2019, WAGNER purchased from the suppliers in Mexico, received, and facilitated the transportation, concealment, and sale of wildlife after importation, of wildlife with a market value in excess of \$235,730. During that time-period, WAGNER paid MM-1 more than \$92,000 to transport wildlife across the U.S.-Mexico border.

### **OVERT ACTS**

In furtherance of the conspiracy and in order to effect the objects thereof, WAGNER and his co-conspirators committed the following overt acts, among others, in the Western District of Texas and elsewhere:

#### **May 2015 sale and smuggling of wildlife into the United States**

**Overt Act 1:** On or about May 14, 2015, WAGNER electronically messaged MM-1 regarding lizards he purchased from CC-3, in which he stated:

WAGNER: I think [CC-3] sent the little lythros [a species of lizard]. Did you get today? And tomorrow, get two pairs of graminea [a species of lizard].

MM-1: Yes. I do not know if I can send you the abronia tomorrow because sometimes they are late. Do you want me to send you everything together? Or will I send you only the little ones tomorrow?

WAGNER: Send them together if possible. There is enough room in that box. And you can send them in the afternoon...

**Overt Act 2:** On or about May 16, 2015, WAGNER sent \$450 via MoneyGram to CC-3 in Tlalmanalco, Mexico, as payment for the lizards.

**Overt Act 3:** On or about May 16, 2015, WAGNER sent a \$100 crossing fee via PayPal to MM-1 for transporting the lizards discussed from Mexico into the United States.

**Overt Act 4:** On or about May 19, 2015, WAGNER and MM-1 electronically messaged the following regarding the shipment of lizards to WAGNER:

MM-1: Friend, things are coming for you tomorrow. Can you send me a label? Or if you prefer I pay it?

WAGNER: I'm going to send you a label. But the box is still here. I forgot to send it to you.

MM-1: I have boxes. Please send it [the label] via email.

WAGNER: Ok. Did it get there? Do you have cryopack or something for the Abronia? If you take them to the UPS in the afternoon, like 6 or 7, they will be fine to get me the next day before 10, even if there is no cryopack.

MM-1: Tomorrow, I'm going for your abronia, and Wednesday too.

WAGNER: I'm a bit animated. It's like Christmas day, every time for me.

MM-1: You also asked for a defensor [lizard] right?

WAGNER: Yes, sent funds to [CC-3] to collect two pairs.

MM-1: I'll send them to you friend.

**Overt Act 5:** Later the same day, WAGNER electronically provided MM-1 a pre-paid self-addressed UPS shipping label addressed to “Jason Wagner.”

**Overt Act 6:** On or about May 21, 2015, MM-1 shipped the lizards from El Paso, Texas, to WAGNER in Tennessee and sent the following electronic message:

MM-1:                      Already sent it, friend.

WAGNER:                Ok thank you very much.

**Overt Act 7:** On or about and between May 22, 2015, and May 25, 2015, WAGNER electronically messaged MM-1 to confirm receipt of the lizards. WAGNER and MM-1 further discussed the poor condition of the lizards WAGNER received.

MM-1:                      Did you get the box?

WAGNER:                Yes, they came alive. Thank you. The box was very strong. The defensor had to be 4 in a sock. Just for the future, they were too tight. In fact, I prefer that CC-3 sent them, each animal in his own sock. That way they do not bite each other and are not so detained – I think it’s major for the animals. The defensors were in really bad shape, it’s not your fault, I told CC-3. I think one is going to die in the next two days...but you can see they have been poorly treated for a few weeks to be in this condition, not eating or drinking ...

**March 2016 sale and smuggling of wildlife into the United States**

**Overt Act 8:** On or about February 28, 2016, WAGNER and MM-1 electronically messaged each other regarding a shipment of lizards, stating:

WAGNER:                Hi friend. Could you receive a shipment from [CC-3] this week? Abronia.

MM-1:                      Sure!

WAGNER:                That’s fine! I’m going to deposit funds for your expenses.

**Overt Act 9:** On or about February 28, 2016, WAGNER sent \$150 via PayPal to MM-1 for transport of lizards from Mexico into the United States.

**Overt Act 10:** On or about March 1, 2016, WAGNER sent an electronic message to MM-1 regarding a pre-paid UPS shipping label for the package of lizards MM-1 was to ship to WAGNER in Tennessee.

**Overt Act 11:** On or about March 3, 2016, WAGNER and MM-1 electronically messaged the following, regarding the method to package a shipment of lizards:

MM-1: After a while I'm going for your abronia.

WAGNER: Ah, very good!! :)

MM-1: And today I will send them to you. Jason, do you need a heatpack?

WAGNER: Yes but rolled in paper so as not to touch the animals.

MM-1: I am going to stick it to the ceiling of the cover, is that okay?

WAGNER: Yes and cover it in rolled paper and ribbon.

**Overt Act 12:** On or about March 4, 2016, WAGNER electronically messaged MM-1 the following, to confirm receipt of the shipment of animals from MM-1, and in which MM-1 described an inspection during the border crossing from Mexico into United States:

WAGNER: I got the package. All alive and well. Thank you!

MM-1: Yesterday I was stopped at the bridge for inspection.

WAGNER: Oh shoot. You pass through without any problems?

MM-1: But nothing happened.

WAGNER: Phew. Good.

MM-1: They just wanted to see my driver's license, my insurance, my truck, hood, end [sic] a quick inspection of the interior of the vehicle, but they told me not to hop out. And two of your abronias were loose in the box, one of them almost escaped when I opened the box before the crossing. So, yes, it was kind of interesting!

WAGNER: I'm so glad you didn't have any problems. Interesting is okay...haha.



**September 2016 sale and smuggling of wildlife into the United States**

**Overt Act 13:** On or about and between September 9, 2016, and September 11, 2016, WAGNER, MM-1, CC-1, and CC-3 electronically messaged the following, regarding a sale and shipment of lizards for WAGNER, stating:

CC-3: [To MM-1] Hey friend can I ask you a favor. I want to send some things to Jason.

MM-1 [To CC-3] Well. Of course!

CC-3: [To MM-1] I'm going to talk to him to see what day I can send.

MM-1: [To CC-1] I want to ask you for a favor with your shipping contacts...Is for my friend Jason Wagner. Is about a few abronias.

CC-1: [To MM-1] Yes. Sure. When he wants me to send them?

MM-1: [To CC-1] Probably next Monday. It's through [CC-3].

WAGNER: [To MM-1] Hey do you think we can use [CC-1] to have [CC-3] ship a small group of Abronia to me by air cargo instead of using ODM? I know it cost me a little bit more but I think it's better for the animals. What is your opinion.

MM-1: [To WAGNER] Yes, we can do it.

WAGNER: [To MM-1] OK then I will connect [CC-3] with [CC-1] for this next shipment going out Monday.

MM-1: [To WAGNER] [CC-1] already knows of the Abronia and agrees.

WAGNER: [To MM-1] I told [CC-3] to contact him...It's set up.

**Overt Act 14:** On or about September 12, 2016, MM-1 and CC-1 electronically messaged the following, regarding lizards WAGNER purchased from CC-3 and which CC-1 was assisting to transport:

MM-1: Did [CC-3] deliver Jason's [WAGNER's] merchandise?

CC-1: Yes (MM-1). I already have the 13 abronia. 10 lythros and 3 deppei.

**Overt Act 15:** On or about September 12, 2016, WAGNER sent \$200 via PayPal to CC-1 to facilitate the transport of 13 lizards described in Overt Acts 13 and 14 to MM-1 and then into the United States, with a memo attached that said “Calicos.” WAGNER made the following entry in his ledger: “payments to [CC-1] for air cargo in DF @\$200 each x 3.”

**Overt Act 16:** On or about September 13, 2016, MM-1 transported more than 13 lizards (including the above-mentioned *Abronia*), and additional iguanas from Mexico into the United States, which he confirmed in the following electronic message to WAGNER:

MM-1: I just got back from Juarez.

WAGNER: Ok...and are we good?

MM-1: I just began charging at least \$100.00 for each crossing per person.

**Overt Act 17:** On or about September 13, 2016, WAGNER electronically sent MM-1 a prepaid self-addressed UPS shipping label for the shipment of lizards to WAGNER.

**Overt Act 18:** On or about September 13, 2016, MM-1 shipped 13 lizards from El Paso, Texas, to WAGNER in Tennessee and confirmed the shipment with the following electronic message:

MM-1: Going to ship it.

WAGNER: Ok thx.

MM-1: Shipped.

**Overt Act 19:** On or about September 14, 2016, WAGNER exchanged the following electronic messages with MM-1 to confirm receipt of lizards:

MM-1: Did you get them?

WAGNER: Hello (MM-1), yes they arrived in good shape...I treated all for mites, as precaution...thank you for taking care of the animals and sending them to me. Interesting group.

MM-1: They all looked very healthy to me.

WAGNER: Very beautiful. I never would have guessed I could end up with so many outstanding abronia...it's fun. They are a little bit stressed from the trip and maybe from all being together for a few weeks in buckets, etc. It's always this way...with larger groups. I prefer to get smaller groups usually whenever possible because they don't get so stressed out from transit and holding enclosures.

MM-1: Well, you are the Abronia guy!

WAGNER: I guess you are correct.

**Overt Act 20:** On or about September 17, 2016, WAGNER sent \$100 via PayPal to MM-1 for transport of the wildlife from Mexico into the United States and for facilitating the transportation to WAGNER.

**Overt Act 21:** On or about September 17, 2016, WAGNER sent \$400 via MoneyGram to CC-3 in Tlalmanalco, Mexico, as payment for the lizards.

**February 14, 2017 sale and smuggling of wildlife into Mexico**

**Overt Act 22:** On or about January 30, 2017, WAGNER and MM-1 exchanged the following electronic messages regarding a shipment of lizards (panther chameleons obtained from an individual in California identified as "JD," and bearded dragons) from WAGNER, in Tennessee, to JMG, an individual known to be in Mexico City, Mexico.

MM-1: I arranged the shipping to JMG ...It will not be through CC-1, though. But same reliability. Via Aeromexico. A bit cheaper.

WAGNER: Ok that sounds very good. Is JMG aware of it yet?

MM-1: So, \$250.00 all included. Please make sure he compensates the PayPal fee.

WAGNER: It will be me that pays the fee because I owe him still on the vacos [*Abronia vasconcelosi*]...I didn't have all the money to pay him last time he sent animals so I need to make sure he will agree to this arrangement and then it should be fine...I am sure he will be good with it. He may want to wait and combine the bearded dragons on the same box. He wants 8-10 baby bearded dragons plus the panther chameleons.

MM-1: 8-10 also?

WAGNER: yes. Everything is very small but the space required for shipping panthers is a little bit more because they need air...in a deli cup.

**Overt Act 23:** On or about February 11, 2017, WAGNER sent \$350 via PayPal to JD, an individual known to be in California, for the 10 bearded dragons he sold to JMG, and described in Overt Act 22. WAGNER attached a memo to the PayPal payment that said “Thanks JD! Payment for 10 colored dragons, including one young pair of yellow citrus dragons. Jason WAGNER.”

**Overt Act 24:** On February 13, 2017, WAGNER directed JD to send the 10 bearded dragons directly to MM-1 for crossing from the United States to Mexico rather than shipping first to WAGNER in Tennessee.

**Overt Act 25:** On or about February 13, 2017, WAGNER sent \$250 via PayPal to MM-1 to facilitate the transportation of lizards (panther chameleons and bearded dragons) from the United States to Mexico.

**Overt Act 26:** On or about February 13, 2017, MM-1 electronically messaged CC-4 the following regarding shipment of the lizards described in Overt Act 22:

MM-1: On Tuesday I'll receive your animals and send to you in Mexico City in your name.

CC-4: Yes, I told it could be another name. Please.

MM-1: But they are going to ask for ID.

CC-4: Yes no problem, it belongs to a friend, I go with him and take an ID.

MM-1: Tell me the name.

CC-4: Manuel Adrian Rivas market

MM-1: Very good.

CC-4: Oh okay. How much will I owe you?

MM-1: I think Jason is going to cover it.

**Overt Act 27:** On or about February 14, 2017, WAGNER electronically messaged MM-1 the following, regarding the chameleons described in Overt Act 22:

WAGNER: I'm trying to pack up the chams now!!

MM-1: This late?!

WAGNER: Yes. I need to drop before 8.

MM-1: Ok, hurry up.

WAGNER: Ok, 10 young Panther chameleons are on their way to you.

**Overt Act 28:** On or about February 14, 2017, MM-1 received the panther chameleons and bearded dragons described in Overt Act 22 and transferred those to MM-2 for transport from the United States to Mexico.

**Overt Act 29:** On or about February 14, 2017, MM-2 transported the lizards described in Overt Act 22 (panther chameleons and bearded dragons) from the United States to Mexico. After the border crossing and prior to shipment, MM-1 and MM-2 electronically messaged regarding details of the shipment.

MM-2 to MM-1: Senor, today I did not manage to ship [the animals], I was late but in the morning they go on the 10 a.m. flight. What happened was I had to come by my car and go through steps again to pass them.

**Overt Act 30:** On or about February 15, 2017, MM-2 shipped the lizards discussed in Overt Act 22 to CC-4 via AeroMexico (air waybill #34046014).

**Overt Act 31:** On or about February 16, 2017, WAGNER sent the following electronic message to MM-1 to confirm that CC-4 had received the lizards described in Overt Act 22 in Mexico City.

WAGNER: [CC-4] said everything arrived perfect. Is very happy.

MM-1: Yes friend. I am happy too.

**May 2017 sale and smuggling of wildlife into the United States**

**Overt Act 32:** On or about and between March 11, 2017, and May 3, 2017, MM-1 and CC-2 electronically messaged the following, in which they discussed lizards (5 pairs of *defensor* lizards) WAGNER purchased from CC-2, and which MM-1 transported from Mexico into the United States and then shipped to WAGNER.

CC-2: ...and 10 *defensor* for Jason . Right now I'm fixing a deal with the chilangos for my part for them to buy some *defensors*. And they send you the *defensors* and *lamenactus*. Is okay?

MM-1: Yes, let's see if it's true. I don't believe them.

CC-2: The one from the Yucatan says he has 12 *defensor* ready...they are ready, just captured yesterday. Already asked for the *defensors*. Arrive tomorrow.

MM-1: [CC-3] how much do you get for the *defensor*?

CC-2: ...getting 400, 500 best. 500 pair.

MM-1: Hey, 500 is a lot! How about 300 per pair.

CC-2: They can sell them 500 each. We investigate. [screenshot of *defensor* internet sale post for \$649.99]. [CC-3] will send you the *defensors* tomorrow. After the *defensors*, we move on to *Abronia*.

MM-1: Are the *defensors* healthy?

CC-2: Yes. Arrived perfect.

MM-1: Males and females can be put in different bags and mark them?

CC-2: You have them? All 30 of them?

MM-1: Yes, I'm hydrating them. Let me count them.

CC-2: 5 pairs for Jason. 5 pairs are for Jason that I pay you for like the past they are arranged normally...

MM-1: There are only 23, but they look healthy. Yes, how many for Jason, 10?

CC-2: Yes. 5 males 5 females. You sent Jason everything?

MM-1: The 5.5

**Overt Act 33:** On or about February 22, 2017, WAGNER paid CC-2 \$300 via PayPal as a deposit for the lizards described in Overt Act 32.

**Overt Act 34:** On or about and between April 30, 2017, and May 1, 2017, WAGNER and MM-1 electronically messaged the following regarding the lizards described in Overt Act 32:

WAGNER: Hi! [CC-2] told me that he sent you a *defensor* group. Do you want to send them tomorrow? I believe there were five pairs. I can get you a label and some crossing money.

MM-1: Ok. Jason? Where is the label?

WAGNER: I'm having problems getting my label. On the phone with UPS trying to resolve it.

MM-1: Would you like me to use USPS instead?

WAGNER: If you prefer to do that. This time it would be ok for me. I will just pay you the cost.

MM-1: Ok, I'll do it that way. Should I include any cold or heatpack? Jason WAGNER, 9093 Chardonnay Trace, Franklin, TN 37067 (615) 424-6050

WAGNER: No. Weather is fine.

**Overt Act 35:** On or about May 3, 2017, MM-1 shipped the lizards described in Overt Act 32 from El Paso, Texas, to WAGNER in Franklin, Tennessee, via USPS package "EL131763972US" and confirmed shipment via electronic message to WAGNER.

WAGNER: Hey did you ship yesterday

MM-1: No, I was late at the USPS, I repacked and shipped them today. EL131763972US. Tomorrow before 3PM.

WAGNER: Ok thx

**Overt Act 36:** On or about May 3, 2017, WAGNER and MM-1 electronically messaged the following, which include photographs, regarding the arrival of a shipment of lizards described in Overt Act 32, and the poor physical condition of the lizards.

MM-1: Did you get them in good shape?

WAGNER: They arrived alive. But very skinny...which I know is not your fault.

MM-1: Do they look good. Skinny?

WAGNER: Also it looks like 8.2. Or 7.3. Not 5 pairs.

MM-1: Really?! Darn! I hydrated them well before shipping to you.

WAGNER: These guys don't take good care of the animals. U can tell they haven't been fed well for weeks. From their body mass.

MM-1: I hope you can rehabilitate them.

WAGNER: I'll do my best. Here's a pic of one of the juvies that I have raised and acclimated now for 6 months. And here's one of the fresh imports...you can immediately see the difference.

MM-1: I remember when I sent you those, they were tiny.

**Overt Act 37:** On or about May 5, 2017, WAGNER paid MM-1 \$145 for transporting the lizards described in Overt Act 32, and for the cost of shipping the lizards to WAGNER in Tennessee.

**March 2018 sale and smuggling of wildlife into the United States**

**Overt Act 38:** On or about and between February 26, 2018, and March 7, 2018, MM-1 and CC-3 electronically messaged the following regarding a shipment of lizards WAGNER purchased from CC-3:

CC-3: Tell me friend, I have to send some things to Jason this week, can you support me?

MM-1: This week you send. Could you tomorrow?



CC-3: Tuesday. Friend, [CC-1] has things coming to you; I sent you several *Abronia* my friend. There are 10 that go for Jason and 7 for another friend in the US.

MM-1: Are they separate? Question?

CC-3: There are 5 in the blue tagged bag. The red and the calico *lythrochila* are for Jason.

MM-1: Is the bag with the blue tags for Jason WAGNER? Jason's lythros are 10 right?

CC-3: There are 10 *lythrochila*. The reds and calicos.

**Overt Act 39:** On or about March 1, 2018, WAGNER sent CC-3 a partial payment of \$460.00 via MoneyGram (reference ID #53789151) for the lizards, described in Overt Act 38, he purchased from CC-3.

**Overt Act 40:** On or about March 7, 2018, MM-1 received the lizards described in Overt Act 38, and then transported the lizards from Mexico into the United States.

**Overt Act 41:** On or about March 8, 2018, WAGNER, MM-1, and CC-3 electronically messaged the following regarding the lizards described in Overt Act 38 WAGNER purchased from CC-3, as well as WAGNER's request to MM-1 for help in concealing the transfer of funds to CC-3:

MM-1: I worked ten nice litros [*Abronia lythrochila*] for you today.

WAGNER: Oh wow. Okay great. I need to send you funds and a label then.

MM-1: Please pitch in 200.

WAGNER: Yes. Btw if I send u extra funds to pass along to [CC-3]...are you able to send to him from Mexico? My wife asked me to stop sending funds down to Mexico...She's concerned that I am leaving a digital history of transactions...

MM-1: Yes I can. So please send me the shipping label tomorrow morning.

WAGNER: Okay great. Yes sir. Shall I send the \$1000 for [CC-3] also? It's what I still owe him from this group of lythros. I will send his and your funds right now.

MM-1: [to CC-3] Jason asked me to receive your payment and send it to you. Did he tell you?

CC-3 [to MM-1] He told me, can you be a friend, friend?

MM-1: Yes.

**Overt Act 42:** On or about March 8, 2018, WAGNER electronically sent a pre-paid UPS shipping label to MM-1 for the lizards described in Overt Act 38.

**Overt Act 43:** On or about March 8, 2018, WAGNER sent MM-1 a \$1200 payment via PayPal with the following note on the memo line: “thanks (MM-1). \$200 for you, the other \$1000 for [CC-3].”

**Overt Act 44:** On or about March 9, 2018, WAGNER received the lizards described in Overt Acts 38, which MM-1 shipped from El Paso, Texas, to WAGNER in Franklin, Tennessee, which they confirmed with the following electronic messages:

MM-1: Shipped

WAGNER: Ok thz. They all arrived well. Thank you.

**June 2018 sale and smuggling of wildlife into the United States**

**Overt Act 45:** On or about June 13, 2018, WAGNER and MM-1 electronically messaged each other the following regarding transferring money from WAGNER through MM-1 to CC-3 in Mexico.

WAGNER: Can you help me send funds to [CC-3]? Ok so if I PayPal u funds u have a way to get them to [CC-3]...

MM-1: But yes, I am willing to help you with [CC-3's] money.

WAGNER: Ok thx. How do you do it...if I send to your account. Do you u then cross border and from Mexico send PayPal to him?

MM-1: No, I will use MoneyGram or something like it. Western Union Maybe.

WAGNER: Direct from your PayPal acct?

MM-1: No, I will have to cash it first.

WAGNER: So it takes a couple days. I will send \$1250 to u...for him. And \$50 extra for you, to buy a nice dinner for your wife.

MM-1: Thanks.

**Overt Act 46:** On or about June 13, 2018, WAGNER sent \$1300 to MM-1 via PayPal, with the following note on the PayPal transfer: "Para [CC-3]," and the following electronic message:

WAGNER: Just sent the \$1300. It's for 6 lizards. \$1250 for [CC-3].

MM-1: I just got it. They will be ready day after tomorrow, I think.

**Overt Act 47:** On or about June 15, 2018, MM-1 sent \$1250 to CC-3 via Western Union (transaction number 7470452147), which he confirmed with the following electronic Message to WAGNER:

MM-1: I just sent the money to [CC-3] via Western Union.

WAGNER: Ok thx.

**Overt Act 48:** On or about and between June 26, 2018, and June 29, 2018, WAGNER and MM-1 electronically messaged the following regarding WAGNER's purchase of lizards described in Overt Act 46:

WAGNER: Hey [MM-1] I'm working on a shipment from [CC-1] to go to u. Are you able to retrieve a pkg either Wednesday night or Thursday for me?

MM-1: Yes.

WAGNER: Ok, thank you. [CC-1] said he sent it.

MM-1: Very good, please pitch in \$250.00.

WAGNER: Do you need a label for Thursday to ship to me. Should be cool packed...very hot right now, temps are 92 f.

MM-1: Yes, send me a label tomorrow.

WAGNER: I sent now & 570. 250 for you. And 300 for [CC-1]. Plus 20 for your effort to send funds to [CC-1].

MM-1: Thank you.

WAGNER: ...And the 6 phrynosoma Taurus are for me. There are a total of 6 Taurus that will come for me. 3 adults and three babies.

MM-1: Plus how many abros [*Abronia*]?

WAGNER: 8. And 3 *gerhonnotus*.

**Overt Act 49:** On or about June 27, 2018, WAGNER sent MM-1 \$570 via PayPal for lizards he purchased from CC-1, and WAGNER made the following note in connection with the PayPal transfer: “300 for [CC-1], 250 for you [MM-1] and 20 for tip”.

**Overt Act 50:** On or about June 28, 2018, WAGNER sent MM-1 a pre-paid UPS shipping label via email to ship the lizards described in Overt Act 46 to WAGNER in Franklin, Tennessee.

**Overt Act 51:** On or about June 28, 2018, WAGNER and MM-1 sent the following electronic messages regarding MM-1 retrieving the lizards, described in Overt Act 46, WAGNER purchased from CC-1:

WAGNER: Did you get them already?

MM-1: Not yet, in a short while...Headed to Juarez now.

WAGNER: [Thumbs up emoji]

**Overt Act 52:** On or about June 29, 2018, MM-1 shipped the lizards described in Overt Act 46 via UPS from El Paso, Texas, to WAGNER in Franklin, Tennessee.

**Overt Act 53:** On or about and between June 26, 2018, and June 29, 2018, WAGNER and MM-1 electronically messaged the following and included photos regarding the condition of the lizards WAGNER received:

MM-1: Did you get the animals?

WAGNER: My wife was at home and unpacked the animals into plastic bins until I can get home after work. She said all the baby Taurus in the juice bottle arrived doa. Which made me sad. Summer is a tough time to ship.

MM-1: All? Damn!!!

WAGNER: Yea. Did you get any pics while at your place? Would have loved to see them alive.

MM-1: CC-3 says it was someone else's [*Abronia*] *smithi*, not his.

WAGNER: I had another friend send a couple animals...I will advise him to use socks not bottles.

**February 2019 sale and smuggling of wildlife into the United States**

**Overt Act 54:** On or about and between February 12, 2019, and February 21, 2019,

WAGNER and MM-1 sent the following electronic messages regarding lizards WAGNER purchased from CC-1:

WAGNER: Can we arrange another shipment of *Abronia*. Would be small.

MM-1: Fine.

WAGNER: Ok thx. [CC-1] will contact you. I believe he plans to send them to you tomorrow. Shipment with [CC-1] tomorrow is confirmed.

MM-1: Yes. Do I need to include some heat packs?

WAGNER: Sure. Not a bad idea. Temps are 40-50. Are the [*Abronia*] *frosti* packed separate from the [*Abronia*] *graminea*? Meaning not in same cloth bags all together...in same.

MM-1: There are a bunch of bags.

**Overt Act 55:** On or about February 13, 2019, WAGNER sent an electronic pre-paid UPS shipping label (#1Z4981RA0194846620) to MM-1 for the lizards discussed in Overt Act 54.

**Overt Act 56:** On or about and between February 19, 2019, and February 20, 2019, MM-1 retrieved the lizards described in Overt Act 54 WAGNER purchased from CC-1, and transported the lizards from Mexico into the United States.

**Overt Act 57:** On or about February 21, 2019, MM-1 shipped the lizards described in Overt Act 54 from El Paso, Texas, to WAGNER in Franklin, Tennessee.

**Overt Act 58:** On or about February 21, 2019, WAGNER sent the following electronic message to MM-1 regarding receipt of the lizards described in Overt Act 54: “all arrived well”.

**Overt Act 59:** On or about February 21, 2019, WAGNER sent MM-1 \$1175 via PayPal with a note attached that said “325 [CC-1]. 600 [CC-3]. 250 [MM-1],” along with the following electronic message: “I am going to send you funds for [CC-3] and [CC-1]. \$325 a [CC-1]. \$600 a [CC-3]. \$250 you.”

**Overt Act 60:** On or about February 27, 2019, CC-1 electronically messaged MM-1 regarding MM-1 transporting and depositing the \$325 payment MM-1 received from WAGNER to a bank in Mexico.

**Overt Act 61:** On or about and between February 26, 2019, and February 27, 2019, CC-3 electronically messaged MM-1 regarding a \$600 payment MM-1 received from WAGNER to deliver to CC-3, and which MM-1 then sent to CC-3 via Western Union.

**December 2019 sale and smuggling of wildlife into the United States**

**Overt Act 62:** On or about and between December 2, 2019, and December 7, 2019, WAGNER and CC-1 exchanged the following electronic messages regarding lizards, including South African ground geckos, Black girdled lizards, Southern Karusa lizards, Northern Pilbara rock monitors, Armadillo girdled lizards, and Abronia lizards, WAGNER purchased from a supplier in Europe and then arranged to be sent from Europe to Mexico for transport into the United States and delivery to WAGNER:

WAGNER: Hello friend. I organizing a shipment with MA and [CC-3] for December 8-9 [2019]. Both of them will have animals.

CC-1: Sure friend.

WAGNER: Ok, I'll organize with MA and [CC-3]...[CC-3] and MA should send the animals tomorrow. Have you had any communication?

CC-1: No friend.

WAGNER: Ok, because they should communicate tomorrow. Where can you meet to pick up the delivery? They will arrive at DF at 5 or 6 this afternoon.

CC-1: I already received friend.

WAGNER: Ok good! I think [CC-3] also delivers to you today. And [MM-1] is pending to receive from you.

CC-1: Ok.

**Overt Act 63:** On or about December 9, 2019, WAGNER created a pre-paid UPS shipping label (#1Z4981RA0190075809).

**Overt Act 64:** On or about December 11, 2019, WAGNER received the lizards described in Overt Act 62 he purchased from a supplier in Europe.

All in violation of Title 18, United States Code, Section 371.

**COUNTS 2 – 13**  
**Smuggling into the United States**  
**(18 U.S.C. §§ 545 and 2)**

18. Paragraphs 1 through 9 of the Grand Jury's Indictment are incorporated herein by reference as if set forth in their entirety.

19. On or about the dates listed below, each date representing a separate count, in the Western District of Texas and elsewhere,

JASON LEE WAGNER,

defendant herein, did knowingly import and caused to be imported and brought into the United States, merchandise, specifically the wildlife listed below, contrary to laws and regulations of the

United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to laws and regulations of the United States, by, among other things, knowingly failing to make the required declaration and obtain the required authorization to import such items into the United States, in violation of Title 16, United States Code, Section 1538(e); and Title 50, Code of Federal Regulations, Sections 14.11, 14.52, and 14.61.

**Table 1**

COUNT	DATES	WILDLIFE
2	January 30, 2018	Mixtecan arboreal alligator lizard ( <i>Abronia mixteca</i> )
3	February 7, 2018	Campeche spiny-tailed iguana ( <i>Cachryx alfredschmidtii</i> )
4	March 9, 2018	Red-lipped arboreal alligator lizard ( <i>Abronia lythrochila</i> )
5	May 4, 2018	<i>Abronia sp.</i> , Campeche spiny-tailed iguana ( <i>Cachryx alfredschmidtii</i> )
6	June 29, 2018	Mexican horned lizard ( <i>Phrynosoma Taurus</i> ); Martin del Campo's arboreal alligator lizard ( <i>Abronia martindecampoi</i> ); <i>Abronia sp.</i> , Alligator lizard ( <i>Gerrhonotus ophiurus</i> )
7	July 13, 2018	Short-tail horned lizard ( <i>Phrynosoma braconniere</i> )
8	August 26, 2018	Mexican horned lizard ( <i>Phrynosoma Taurus</i> ); Red-lipped arboreal alligator lizard ( <i>Abronia lythrochila</i> ); Smith's arboreal alligator lizard ( <i>Abronia smithi</i> ); Alligator lizard ( <i>Gerrhonotus ophiurus</i> )
9	September 6, 2018	Smith's arboreal alligator lizard ( <i>Abronia smithi</i> )
10	November 3, 2018	Alligator lizard ( <i>Gerrhonotus ophiurus</i> ); Bell's false brook salamander ( <i>Isthmura bellii</i> )
11	December 10, 2018	<i>Abronia sp.</i>
12	February 21, 2019	Terrestrial arboreal alligator lizard ( <i>Abronia graminea</i> );



COUNT	DATES	WILDLIFE
13	December 11, 2019	South African ground gecko ( <i>Chondrodactylus angulifer</i> ); Black girdled lizard ( <i>Cordylus niger</i> ); Southern Karusa lizard ( <i>Karusasaurus polyzonus</i> ); Northern Pilbara rock monitor ( <i>Varanus pilbarensis</i> ), Armadillo girdled lizard ( <i>Ouroborus cataphractus</i> ), <i>Abronia sp.</i>

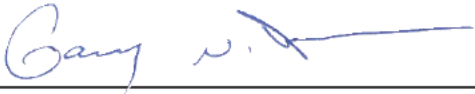
All in violation of Title 18, United States Code, Sections 545 and 2.

A TRUE BILL:



GRAND JURY FOREPERSON

TODD KIM  
ASSISTANT ATTORNEY GENERAL  
ENVIRONMENT AND NATURAL  
RESOURCES DIVISION

By:   
\_\_\_\_\_  
Todd Gleason  
Gary N. Donner  
Senior Trial Attorneys  
Environmental Crimes Section  
U.S. Department of Justice